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November 7, 2024

VIA ECF

Hon. Valerie Figueredo
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: Cerovene, Inc. v. Fukuzyu Pharmaceutical Co., Ltd., No.: 24-cv-00464-RA
Request to Adjourn December 3, 2024 Settlement Conference

Dear Judge Figueredo:

We represent Defendant Fukuzyu Pharmaceutical Co., Ltd. (“Fukuzyu”) in the above-referenced matter. Pursuant to the Court’s Standing Order Applicable to Settlement Conferences, we write to respectfully request that the Court adjourn the in-person settlement conference currently scheduled for December 3, 2024 at 2:30 p.m. (Dkt. 47) until after Fukuzyu’s motion to dismiss is resolved.

As background, Plaintiffs filed their complaint on January 22, 2024. Fukuzyu is a small company based in Toyama, Japan that has virtually no presence—no employees, offices, bank accounts, or anything similar—in this judicial district or even the broader United States. After Plaintiffs served Fukuzyu pursuant to the Hague Convention, Fukuzyu moved to dismiss the complaint on June 27 under Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6). Dkt. 23. In response, Plaintiffs filed an amended complaint on July 10, Dkt. 30, which Fukuzyu moved to dismiss on August 23, Dkt. 41. That same day, Plaintiffs requested that the Court appoint a mediator. Dkt. 38. Briefing on Fukuzyu’s motion is complete as of November 1. Fukuzyu requested—but the Court has not yet set—oral argument. In its motion to dismiss, Fukuzyu challenges both the Court’s personal jurisdiction and the merits of Plaintiffs’ amended complaint. The parties previously agreed “that discovery should not begin until the Court rules on Defendant’s forthcoming motion to dismiss,” Dkt. 22 at 4, and no discovery has occurred.

Pursuant to paragraph 8 of the Court’s Standing Order, Fukuzyu respectfully requests that the Court adjourn the December 3 settlement conference until after Fukuzyu’s motion to dismiss is resolved. Given that the Court has not yet concluded that it has personal jurisdiction over Fukuzyu—let alone that Plaintiffs have stated valid legal claims—Fukuzyu respectfully requests that the Court adjourn the settlement conference until after the Court has ruled. Fukuzyu believes that any settlement conference would be more productive at that time.

Fukuzyu has conferred with Plaintiffs regarding this request, and Plaintiffs agree to this adjournment. Plaintiffs have requested that the settlement conference occur within 30 days after the pending motion to dismiss is decided.

Thank you for your consideration of this request.

Respectfully submitted,

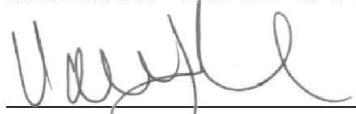
/s/ Jordan Ludwig

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MEMO ENDORSED



HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

DATED:

11-20-2024

The settlement conference scheduled for December 3, 2024 is hereby adjourned. The Court will reschedule the conference for a later date under a separate order. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 66.

cc: Counsel of Record: Roger B. Kaplan (KaplanR@gtlaw.com)